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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,383	12/03/2001	Eric Graves	APLE.P0015	6999
48947	7590	06/14/2006	EXAMINER	
STATTLER, JOHANSEN, AND ADELI LLP 1875 CENTURY PARK EAST SUITE 1360 CENTURY CITY, CA 90067			BHATNAGAR, ANAND P	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,383

Applicant(s)

GRAVES ET AL.

Examiner

Anand Bhatnagar

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/17/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 12-17, 22 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-17, 22, and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/03/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/17/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/17/06 has been entered.

Response to Arguments

2. Applicant's amendment filed on 04/17/06 has been entered and made of record.
3. Applicant has canceled claims 6-11, 18-21, 23, and 24. Applicant has amended claims 1-5, 12-17, and 22. Applicant has added 10 new claims (#25-#34). Currently claims 1-5, 12-17, 22, and 25-34.
4. Applicant's arguments, see remarks pages 7-10, filed 04/17/06, with respect to the rejection(s) of claim(s) 1-4, and 22 under 35USC 102(b) and claims 5 and 12-17 under 35USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Long (U.S. patent 5,487,020) and Derocher (U.S. patent 6,822,640 B2). Examiner refers to the rejection below.

DETAILED ACTION

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A.) Claims 1-4, 13-17, 22, 25-27, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long (U.S. patent 5,487,020) and Derocher (U.S. patent 6,822,640 B2).

Regarding claims 1 and 22: Long discloses a method of performing color correction on at least one image, said image comprised of a plurality of pixels (Long; col. 3 lines 25-35), said method comprising:

accepting a first vector input from a first color adjustment pad, said first vector input proportionally adjusting a color of pixels of a first selected luminance value in a color space of said images wherein said color space comprises at least one luminance component that defines said image (Long; fig. 7 and fig. 8 elements 16-19, col. 3 lines 25-35, and col. 4 lines 5-25, wherein the values of the input colors at each respective brightness level, i.e. luminance level, elements 16 and 17, are changed to the respective output colors, elements 18 and 19, by a user changing the values using a interactive device such as a mouse or the like. The input by the user to change the values from one value to another value is read as accepting a first and/or second vectors.); and

adjusting a color of pixels with other luminance values in said color spaces in a manner related to a difference between said first selected luminance value and said other luminance value (Long; col. 4 lines 26-33, wherein the values of the other pixels in the image are changed accordingly based on the changes made to specific colors. These other pixels are read as pixels with other luminance values since they are colors in between the black and white pixel colors, elements 16 and 17 in figs. 7 and 8, that are being changed).

Long discloses to adjust the colors of an image based by using an interactive input device such as a mouse or the like (Long; col. 4 lines 26-30). Long does teach wherein the color is adjusted by a color adjustment pad. Derocher teaches wherein an interactive input device is a pad (Derocher; col. 1 lines 8-38). It would have been obvious to one skilled in the art to combine the teaching of Derocher to the system of Long since they are analogous in using interactive devices. One skilled in the art would have been motivated to incorporate the teaching of Derocher, of using a pad as an interactive input device, to the system of Long since an input device can be any of a myriad of devices such as a slider, push button, dial, mouse, etc. and resulting in the same response by the computing/editing device.

Regarding claims 2 and 25: The method of performing color correction on at least one image wherein said first selected luminance value is a white luminance value (Long; fig. 7 and 8 element 17 and col. 3 line 67 to col. 4 line 1).

Regarding claims 3 and 26: The method of performing color correction on at least one image wherein said first selected luminance value is a black luminance value (Long; fig. 7 and 8 element 16 and col. 3 lines 62-65).

Regarding claims 4 and 27: The method of performing color correction on at least one image wherein said first selected luminance value is a middle luminance value.

Long discloses to change the black and the white colors of an image at their specific luminance levels. Long does not teach the feature of changing a color in between the black and or white color, read as a middle luminance value. It would have been obvious to one skilled in the art to change a color of an image which is between a black color and a white color. Examiner takes Official Notice since adjusting any colors in an image will throw off the color balance of the image and in order to maintain the color balance of the image then all the colors of the image must be changed proportionally.

Regarding claims 13 and 30: The method of performing color correction on at least one image wherein said manner related to a difference is linearly proportional to said difference (Long; fig. 8 and col. 4 lines 26-34, wherein a line is determined and the pixels of the image are adjusted to this linear line, i.e. proportionally).

Regarding claims 14-17 and 31-34: Please see claims 1-4 above. Long discloses to change the colors, the black and white colors, of an image by a user inputting the changes to be made by an interactive input device. It is a matter of

configuration of how many colors to change in the image and to set which color to be changed is set to be the first, second, third, fourth, etc. luminance

B.) Claims 5, 12, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long (U.S. patent 5,487,020), as modified by Derocher (U.S. patent 6,822,640 B2), and further in view of Kuragano et al. (U.S. patent 5,363,477).

Regarding claims 5 and 28: Long discloses an image color correction system. Long does not teach the feature of "color correction on at least one image wherein said manner related to a difference in performance using a Bezier curve." Kuragano et al. teaches to perform color correction of an image using a Bezier curve (Kuragano et al.; fig. 1 steps 1-8 and col. 4 lines 31-45). It would have been obvious to one skilled in the art to combine the teaching of Kuragano et al., of using a Bezier curve, to the system of Long since they are analogous in image color correction. One in the art would have been motivated to incorporate the teaching of Kuragano et al. to the system of Long to provide a method of image of color designation which may be performed simply and quickly (Kuragano et al.; col. 3 lines 31-34).

Regarding claims 12 and 29: Long discloses an image color correction system by using an interactive input device and a color wheel (Long; col. 3 lines 57-60 and col. 4 lines 25-25). Derocher teaches to have a pad for an interactive

input device (Derocher; col. 1 lines 8-38). Neither Long nor Derocher teaches the feature of “performing color correction on at least one image wherein said first color adjustment pad comprises a hue and saturation color wheel. Kuragano et al. discloses to determine the hue saturation and luminance values of an image and to correct these variables in the image to perform color correction. It would have been obvious to one skilled in the art to combine the teaching of Kuragano et al., to the system of Long, as modified by Derocher, since they are analogous in image color correction. One in the art would have been motivated to incorporate the teaching of Kuragano et al., of having the hue, saturation, and/or luminance, to the system of Long, as modified by Derocher, to provide a method of image of color designation which may be performed simply and quickly (Kuragano et al.; col. 3 lines 31-34).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pettigrew et al. (U.S. patent 6,757,425 B2) for adjusting the color of an image wherein the color volume is maintained and the luminance does not change since it is performed in the same luminance plane.

Contact Information

7. Any inquiry into this communication should be directed to Anand Bhatnagar whose telephone number is 571-272-7416, whose supervisor is Jingge Wu whose number is 571-272-7429, group receptionist is 703-305-4700, and Central fax is 571-273-8300.

AB

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June 9, 2006

JINGGE WU
PRIMARY EXAMINER